

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

**WISCONSIN EDUCATION ASSOCIATION
COUNCIL, *et al.*,**

Case No.3:11-cv-00428-wmc

Plaintiffs,

v.

**SCOTT WALKER, Governor of the State of
Wisconsin, *et al.*,**

Defendants.

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME
TO FILE DISPOSITIVE MOTIONS**

Plaintiffs hereby move for an extension of time of 20 days from September 23, 2011 to October 13, 2011 in which to file their motion for summary judgment, based upon the following:

1. By order dated August 4, 2011, this Court established a briefing schedule for the filing of motions for summary judgment requiring the motion and supporting materials to be filed on September 23, 2011, responses to be filed by October 21, and replies to be filed by November 4.
2. Plaintiffs served discovery requests and notices of deposition upon Defendants inquiring into representations made in the Affidavit of Cynthia A. Archer, submitted by Defendants in support of their opposition to Plaintiffs' motion for a preliminary injunction. Defendants have stated their intention to file a motion for protective order, pursuant to FED. R. Civ. P. 26(c), seeking to forbid inquiry into these matters on the ground that they are

irrelevant as a matter of law.

3. Plaintiffs have offered to withdraw their discovery request provided that Defendants withdraw the Archer Affidavit for all purposes, including their defense to Plaintiffs' Motion for a Preliminary Injunction, and abandon any argument that relies upon the Archer Affidavit. Defendants have declined Plaintiffs' offer.
4. As a practical matter, this Court will not have sufficient time to decide the motion for a protective order prior to the September 23 date for filing motions for summary judgment.
5. Plaintiffs maintain that the pending discovery is essential to creating a record for the purpose of filing their motion for summary judgment, regardless of whether Defendants intend to rely on the Archer Affidavit in its dispositive motion.
6. The Court has yet to rule on Plaintiffs' motion for temporary restraining order and preliminary injunctive relief. Plaintiffs are unable to prepare their motion for summary judgment without knowing the outcome of their motion. Regardless of how the motion is decided, the Court's rationale will provide essential guidance to the parties in presenting their arguments on the merits.
7. Permitting an additional 20 days to file dispositive motions will not unduly delay this proceeding or prejudice any party.
8. Defendants have authorized Plaintiffs to represent that Defendants have no

objection to this motion.

WHEREFORE, for the foregoing reasons, this motion should be granted and the deadline for the filing of dispositive motions should be changed from September 23, 2011 to October 13, 2011, responsive briefs from October 21 to November 10, and replies from November 10 to November 25, 2011.

Dated: September 13, 2011

Respectfully submitted,

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